

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL JAMES RICONOSCIUTO,

Petitioner,

v.

STEVE LANGSFORD,

Respondent.

CASE NO. 16-CV-5964 RJB DWC

ORDER WITHDRAWING THE
REFERENCE AND DISMISSING
CASE WITHOUT PREJUDICE

This matter comes before the Court on review of the Petitioner's response to the December 16, 2016 Order to Show Cause or Amend. The Court has reviewed the response, the remaining record and is fully advised.

This case has been referred to U.S. Magistrate Judge David W. Christel. The Court finds that the referral should be withdrawn and the case dismissed without prejudice.

On December 16, 2016, Judge Christel issued an Order to Show Cause or Amend, explaining that Petitioner's petition for habeas corpus improperly seeks both habeas relief from his federal court conviction and relief regarding the conditions of his confinement in a California

1 prison. Dkt. 6. (The facts and procedural history of the case are found in that order and are
2 adopted here.) In that order, Petitioner was warned that he is not permitted to seek both types of
3 relief in a single petition. *Id.* He was afforded the opportunity to amend his petition or possibly
4 face dismissal of the case. *Id.*

5 Petitioner responded, but did not address the issues raised in the Order to Show Cause
6 and did not file an amended pleading. Dkt. 7. Another individual, Anita Langley, filed over 70
7 pages, entitled “Showing of Cause Response for Petitioner for Writ of Habeas Corpus; Points
8 and Authorities in Support of Petition.” Dkt. 12.

9 **Submissions by Ms. Langley.** A non-lawyer may not represent another party in federal
10 court. *C.E. Pope Equity Trust v. US*, 818 F.2d 696, 697 (9th Cir.1987). Although a non-attorney
11 may appear on “his own behalf, that privilege is personal to him. He has no authority to appear
12 as an attorney for others than himself.” *Id.* Anita Langley has not shown that she is a lawyer.
13 Accordingly, she has no authority to appear for Petitioner and the Court cannot consider her
14 submissions.

15 **Conditions of Confinement.** Insofar as Petitioner’s petition makes claims relating to his
16 conditions of confinement, Petitioner is in the wrong court. Petitioner is a prisoner in an
17 institution in California. Grounds 1, 2, and part of 3, challenging the conditions of his
18 confinement, should be dismissed without prejudice to be re-filed, if Petitioner wishes, in the
19 proper California court.

20 **Habeas Corpus Relief.** Insofar as Petitioner seeks habeas relief (part of Ground 3),
21 Petitioner has ignored the Court’s order that he either amend his pleading or face possible
22 dismissal. Further, to the extent that he seeks habeas relief in referencing errors at sentencing
23 and ineffective assistance of counsel, his grounds are unclear. He offers no facts in support of
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his claims. The remaining portion of Ground 3, which arguably asserts habeas relief, should be dismissed without prejudice, to be refiled in this court, if appropriate.


This case should be closed.

ORDER

- The reference to U.S. Magistrate Judge David W. Christel **IS WITHDRAWN**;
- Grounds 1, 2, and part of 3, challenging the conditions of Petitioner's confinement, **ARE DISMISSED WITHOUT PREJUDICE** to be re-filed, if Petitioner wishes, in the proper California court;
- The remainder of Ground 3, which arguably asserts habeas corpus relief, **IS DISMISSED WITHOUT PREJUDICE**, to be refiled in this court, if appropriate; and
- This case **IS CLOSED**.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

Dated this 27th day of March, 2017.



ROBERT J. BRYAN
United States District Judge